

11730 U.S. PTO



03/12/97

PATENT APPLICATION

Attorney File 960670.ORI

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re App : Donald Leonard Nicholas Cardy, et al.

S. N. : 08/737,457

Filed : November 13, 1996

For : IMPROVEMENTS IN OR RELATING  
TO PEPTIDE DELIVERY

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**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS (37 CFR 1.9(f) and 1.27(b)) - INDEPENDENT INVENTOR**

As a below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR 1.9(c) for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the above-entitled invention described in the subject matter which is claimed and for which a patent is sought on the invention entitled "IMPROVEMENTS IN OR RELATING TO PEPTIDE DELIVERY", the specification of which was filed as PCT International Application number PCT/GB95/01107 on 15 May 1995 and entered into the National Phase in the United States under Serial No. 08/737,457, filed November 13, 1996.

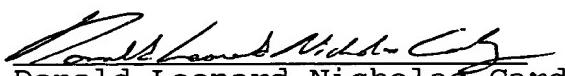
Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

Eclagen Limited  
A corporation of the United Kingdom  
AURIS Business Centre  
23 St. Machar Drive  
Aberdeen, AB24 3RY, SCOTLAND  
A Small Business Concern.

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this Verified Statement is directed.

Dated: 3rd March 1997

  
Donald Leonard Nicholas Cardy  
"Trinlan"  
Blacksmith's Lane  
Aston-le-Walls, Northamptonshire  
NN11 6UF, UNITED KINGDOM

-1-

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23 St. Machar Drive  
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paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate (37 CFR 1.28(b)).

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Dated: \_\_\_\_\_

Donald Leonard Nicholas Cardy  
"Trinlan"  
Blacksmith's Lane  
Aston-le-Walls, Northamptonshire  
NN11 6UF, UNITED KINGDOM

-1-

ATTORNEY FILE NO. 960569.ORI  
SUPPLEMENTAL DECLARATION, POWER OF ATTORNEY, AND PETITION

As below named inventors, we hereby declare that: our residence, post office address and citizenship are as stated below next to our names; that we verily believe we are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled "IMPROVEMENTS IN OR RELATING TO PEPTIDE DELIVERY", the specification of which was filed on November 13, 1996, as United States Application Serial No. 08/737,457, and which was the result of entering the National Phase in the United States to that certain Patent Cooperative Treaty application filed 15 May 1995 under PCT/GB95/01107.

We hereby state that we have reviewed and understand the contents of the above-referenced specification including the claims as amended by any amendment specifically referred to in the Oath or Declaration.

We acknowledge the duty to disclose information which is material to patentability in accordance with Title 37, Code of Federal Regulations, Section 1.56.

We hereby claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by us on the same subject matter having a filing date before that of the application(s) on which priority is claimed:

Prior Foreign Application(s):

British Application Serial No. 94.09643.5 filed

13 May 1994; and

British Application Serial No. 94.17461.2 filed

31 August 1994.

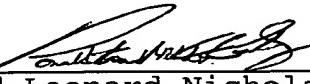
6  
We hereby appoint HAUGEN AND NIKOLAI, P.A., a professional association, consisting of the following attorneys/agents and the following attorneys/agents individually: Orrin M. Haugen, Registration No. 17,972, Thomas J. Nikolai, Registration No. 19,283, Charles G. Mersereau, Registration No. 26,205, Frederick W. Niebuhr, Registration No. 27,717, Catherine C. Maresh, Registration No. 35,268, Paul T. Dietz, Registration No. 38,858, and Jonathan D. Spangler, Registration No. 40,182 of 820 International Centre, 900 Second Avenue South, Minneapolis, Minnesota 55402-3325; Telephone No. (612) 339-7461, our attorneys/agents with full power of substitution and revocation to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Please direct all phone calls and correspondence to:  
Orrin M. Haugen at HAUGEN AND NIKOLAI, P.A., 820  
International Centre, 900 Second Avenue South,  
Minneapolis, Minnesota 55402-3325; Telephone (612) 339-  
7461.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code

and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

1-00

(1)   
Donald Leonard Nicholas Cardy

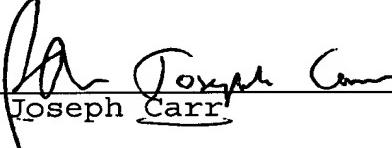
Date: 3rd March 1997

Residence:  
Aston-le-Walls,  
Northamptonshire NN11 6 UF,  
UNITED KINGDOM 

Citizenship:  
British

Post Office Address:  
"Trinlan"  
Blacksmith's Lane  
Aston-le-Walls,  
Northamptonshire NN11 6 UF,  
UNITED KINGDOM

200

(2)   
Frank Joseph Carr

Date: 3rd March 1997

Residence:  
Balmedie, Aberdeenshire AB23 8XU  
UNITED KINGDOM 

Citizenship:  
British

Post Office Address:  
"Birchlea"  
The Holdings  
Balmedie, Aberdeenshire AB23 8XU  
UNITED KINGDOM



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*Laurie  
Kidwell  
PC*

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S. N. : 08/737,457

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TO PEPTIDE DELIVERY

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY  
STATUS (37 CFR 1.9(f) and 1.27(c)) - SMALL BUSINESS  
CONCERN**

I hereby declare that I am

- ( ) owner of the small business concern identified below:  
 an official of the small business concern empowered to  
act on behalf of the concern identified below:

Eclagen Limited

A corporation of Great Britain  
 AURIS Business Centre  
 23 St. Machar Drive  
 Aberdeen, AB24 3RY, SCOTLAND  
 A Small Business Concern.

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or

parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention entitled "IMPROVEMENT IN OR RELATING TO PEPTIDE DELIVERY" by inventors, Donald Leonard Nicholas Cardy and Frank Joseph Carr, described in the subject matter which is claimed and for which a patent is sought on the invention entitled "IMPROVEMENTS IN OR RELATING TO PEPTIDE DELIVERY", the specification of which was filed as PCT international application number PCT/GB95/01107 on 15 May 1995, and which was entered in the National Phase in the United States as Serial No. 08/737,457, filed November 13, 1996.

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e). \*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27).

NAME                    Not applicable

ADDRESS

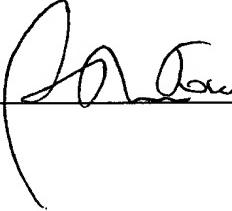
( ) Individual ( ) Small Business ( ) Nonprofit Organization

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a small entity is no longer appropriate (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this Verified Statement is directed.

NAME OF PERSON SIGNING: Kenneth Joseph Conn  
TITLE OF PERSON IF OTHER THAN OWNER: Managing Director  
ADDRESS OF PERSON SIGNING                   AURIS Business Centre  
   23 St. Machar Drive  
   Aberdeen, AB24 3RY, SCOTLAND

SIGNATURE  DATE 7 March 1992

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Dated: 3 March 1997

  
\_\_\_\_\_  
Frank Joseph Carr  
"Birchlea"  
The Holdings  
Balmedie, Aberdeenshire AB23 8XU  
UNITED KINGDOM